IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

MARY ANN STRICKLAND, JAMES	§
C. STRICKLAND, III, AND COASTAL	§
HARDWARE AND RENTAL CO., LLC	§ PLAINTIFFS
	§
	§
v.	§ CIVIL ACTION NO. 1:06CV1247-LG-JMR
	§
	§
XL SPECIALTY INSURANCE CO.,	§
CPB PREMIUM FINANCE, AND	§
JOHN DOES 1-10	§ DEFENDANTS

ORDER DENYING XL SPECIALTY INSURANCE CO.'S MOTION FOR FINAL JUDGMENT

BEFORE THE COURT is the Motion for Final Judgment [61] filed by Defendant, XL Specialty Insurance Co. In its Motion, XL Specialty seeks entry of a final judgment, pursuant to FED. R. CIV. P. 54(b).

On November 1, 2007, this Court entered an Order [58] granting summary judgment in favor of XL Specialty. However, Plaintiff's claims against CPB Premium Finance Company are still pending before this Court. FED. R. CIV. P. 54(b) provides: "When more than one claim for relief is presented in an action . . . or when multiple parties are involved, the court may direct entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction of the entry of final judgment."

When determining whether to enter a final judgment pursuant to Rule 54(b), a court must weigh "the inconvenience and cost of piecemeal review on the one hand and the danger of denying justice by delay on the other." *Road Sprinkler Fitters Local Union v. Cont'l Sprinkler*

Co., 967 F.2d 145, 148 (5th Cir. 1992) (quoting Dickinson v. Petroleum Conversion Corp., 338

U.S. 507, 511 (1950)). XL Specialty does not argue that it would be subjected to injustice should

the Court deny its Motion, and the Court finds that injustice is unlikely to result from the denial

of the Motion. Furthermore, the Court finds that entry of final judgment would potentially result

in piecemeal appeals of claims that arose out of the same set of facts. Therefore, the Court finds

that XL Specialty is not entitled to final judgment pursuant to FED. R. CIV. P. 54(b).

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion for Final

Judgment [61] filed by Defendant, XL Specialty Insurance Co. is **DENIED**.

SO ORDERED AND ADJUDGED this the 7th day of December, 2007.

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE

s Louis Guirola, Jr.